

## **REMARKS**

Upon entry of this amendment, claims 1-8, 10-21, and 23-29 will have been amended for consideration by the Examiner. Thus, claims 1-8, 10-21, and 23-29 currently remain pending.

### **I. Claim Rejections under 35 U.S.C. § 103**

A. Claims 1-2, 4, 7, 10-11, 14-15, 18-20, 22-23 and 27-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Franklin et al. (U.S. 6,263,436) in view of Boykin et al. (U.S. 2003/0079222).

Independent claim 1 recites the features of a unit-to-unit data exchange system for exchanging data between units connected to each other via a communication medium, the unit-to-unit data exchange system comprising: a first unit for storing first content data of interest that can be exchanged and for encrypting the first content data of interest when the first content data of interest is exchanged; a second unit for storing second content data of interest to the first unit and for encrypting the second content data of interest when the second content data of interest is exchanged to the first unit; and an exchange completion data keeping device (i) connected to the first unit and the second unit via the communication medium (ii) for storing first exchange completion data that is a first decryption key, and that is necessary for reproducing encrypted second content data of interest to the first unit that is obtained by the first unit from the second unit, and (iii) for storing second exchange completion data that is a second decryption key, and that is necessary for reproducing encrypted first content data of interest to the second unit that is obtained by the second unit from the first unit.

The exchange completion data keeping device receives a first communication result

from the first unit when a first communication section between the first unit and the second unit is terminated, and receives a second communication result from the second unit when a second communication section between the first unit and the second unit is terminated. Further, the exchange completion data keeping device determines whether the first unit has successfully received from the second unit the encrypted second content data of interest to the first unit based on the first communication result, and determines whether the second unit has successfully received from the first unit the encrypted first content data of interest to the second unit based on the second communication result. The exchange completion data keeping device also transmits the first exchange completion data to the first unit and transmits the second exchange completion data to the second unit, only when the first unit has successfully received from the second unit the encrypted second content data of interest to the first unit and when the second unit has successfully received from the first unit the encrypted first content data of interest to the second unit.

Independent claim 11 recites a related unit, independent claim 15 recites a related unit, independent claim 19 recites a related exchange completion data keeping device, independent claim 27 recites a computer-readable recording medium related to independent claim 11, independent claim 28 recites a computer-readable recording medium related to independent claim 15, independent claim 29 recites a computer-readable recording medium related to independent claim 19.

Applicants respectfully submit that the applied prior art references do not teach or suggest the above-noted combination of features recited in independent claims 1, 11, 15, 19 and 27-29.

Franklin teaches that a first unit (i.e., unit X) and a second unit (i.e., unit Y) exchange respective documents (i.e., document 1 held by the first unit and document 2 held by the second unit) using an exchange device (i.e., unit Z) (see col. 6, lines 44-67). Specifically, Franklin teaches that the first unit divides document 1 into two parts, such that part 1 is transferred directly to the second unit and part 2 is transferred to the exchange device so that the exchange device can transfer part 2 of document 1 to the second unit only if the second unit transmits a checksum to the exchange device. It is also noted that the transfer of document 2 to the first unit is performed in the same manner (i.e., the second unit divides and transmits document 2 to the first unit and the exchange device).

In addition, in relation to decryption keys, Franklin teaches that the first unit divides a decryption key (for decrypting document 1) into part 1 and part 2 and transmits part 1 of the decryption key to the second unit and transmits part 2 of the decryption key to the exchange device, such that the exchange device will only transmit part 2 of the decryption key to the second unit once it has been verified that part 1 of the decryption key has been transmitted from the first unit to the second unit (see col. 6, lines 34-43). It is also noted that the second unit performs the same operation using another decryption key (for decrypting document 2) (i.e., part of the other decryption key is transmitted to the first unit and another part of the other decryption key is transmitted to the exchange device).

Thus, in view of the above, it is clear that Franklin teaches that a decryption key is split into part 1 and part 2, wherein part 1 is transmitted directly from a first unit to a second unit and part 2 is transmitted from the first unit to an exchange device and then to the second unit only if a verification is made, but fails to disclose or suggest an exchange device that transmits a

decryption key to the first unit, as required by claim 1. In other words, Franklin fails to disclose or suggest that the entire decryption key (i.e., decryption key that is not split) is transmitted, from the exchange device, to the first unit, as required by claim 1.

In addition, in view of the above, it is apparent that Franklin teaches that document 1 is split into part 1 and part 2, wherein part 1 is transmitted to a second unit and part 2 is transmitted to an exchange device, but does not disclose or suggest that the first unit transmits, to the second unit, the entire encrypted content data of interest and the second unit transmits, to the first unit, the entire encrypted content data of interest, as recited in claim 1.

Moreover, it is also evident that Franklin teaches that the transfer of the decryption key and the document are independent from one another (i.e., the transfer of the decryption key is not tied to the transfer of the document), but fails to disclose or suggest that the exchange device transmits the decryption keys, only when the first unit has successfully received the encrypted content data of interest to the first unit and the second unit has successfully received the encrypted content data of interest to the second unit, as required by claim 1. In other words, Franklin teaches that the transfer of the decryption key and the document occur independent of one another, but fails to disclose or suggest that the transmission of the decryption key depends upon the successful transmission of the content data of interest, as recited in claim 1. Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 1 and claims 2-8 and 10 that depend therefrom are not anticipated by and would not be obvious in view of Franklin.

In the above regards, the Examiner admits on the Official Action dated on December 8, 2008 that Franklin fails to disclose an exchange device that transmits a decryption key to the first

unit, that the first unit transmits, to the second unit, and that transmits a decryption key to the second unit, that the second unit transmits, to the first unit, when the first unit has successfully received the encrypted content data of interest to the first unit and the second unit has successfully received the encrypted content data of interest to the second unit.

Thus, the pending claims are clearly distinguished over Franklin

In setting forth the rejection, the Examiner relied on Boykin regarding that which the Examiner admits is lacking in Franklin. Boykin teaches a system in which the modulated data is sent through a digital satellite 8 directly to a terminal 10. The modulated data is sent to through the digital satellite 8 to the signal distributing station 9, and is sent from the signal distributing station 9 to the terminal 10 via cable. A user contracts with the broadcasting station 1 and accesses a key which is authorized to each user to the terminal 10, with respect to transmission data sent directly from the digital satellite 8 or from the digital satellite 8 via the signal distributing station 9. Then, the user is authorized as a contract user, and billing processing is performed. At the same time, the user can appreciate fee-charged software information. In the terminal, the transmission data is separated into a video signal, an audio signal and data other than these signals, and the video-audio signals are output to a television. The user accesses the fee-charged software information with a smart card to perform bill processing, and reproduction limitation is lifted. The CPU 20 performs an inquiry of registration to an authorized center 22 through the modem 21. The authorized center 22 confirms the registration. If the registration is confirmed, the authorized center 22 performs bill processing and notification of confirmation to the CPU 20 through the modem 21. The CPU 20 sends the decryption key to a local conditional access 24 by the notification. The local conditional access 24 decrypts a cipher which has been

put over the data recorded on the storage 18. The production limitation is lifted, and the packet of data recorded on the storage 18 is output into the television (see paragraph [0125]). Boykin also teaches that the user is granted access to the full-resolution version when he purchases the key.

However, Boykin fails to disclose at least an exchange completion data keeping device that receives a first communication result from the first unit when a first communication section between the first unit and the second unit is terminated, and receives a second communication result from the second unit when a second communication section between the first unit and the second unit is terminated. Rather, Boykin merely teaches the system including the broadcasting station and the terminal, as shown in Figs. 1 and 2. Thus, Boykin does not disclose or suggest a system including a first unit, a second unit and an exchange completion data keeping device, as recited in, for example, independent claim 1. Further, Boykin merely teaches a system including the broadcasting station that transmits the modulated data to the terminal directly through the digital satellite 8 or through the digital satellite 8 via the signal distributing station 9. Thus, Boykin does not disclose or suggest a first communication result and a second communication result, as recited in, for example, independent claim 1.

For the above reasons, Boykin fails to disclose at least an exchange completion data keeping device that determines whether the first unit has successfully received from the second unit the encrypted second content data of interest to the first unit based on the first communication result, and that determines whether the second unit has successfully received from the first unit the encrypted first content data of interest to the second unit based on the second communication result.

For the above reasons, Boykin further fails to disclose at least an exchange completion data keeping device that transmits the first exchange completion data to the first unit and transmits the second exchange completion data to the second unit, only when the first unit has successfully received from the second unit the encrypted second content data of interest to the first unit and when the second unit has successfully received from the first unit the encrypted first content data of interest to the second unit, as required by claim 1. Rather, Boykin merely teaches a key that is authorized to the user when the user contracts with the broadcasting station 1, a decryption key that is used for decrypting a cipher which has been put over the data recorded on the storage 18 when the authorized center 22 confirms the registration, or a key that is granted to the user for accessing to the full-resolution version when the user purchases it.

Thus, the pending claims are clearly distinguished over Boykin.

Therefore, Applicants submit that even if one attempted to combine the teaching of Franklin with Boykin in the matter suggested by the Examiner, one would fail to arrive at the presently claimed invention, as such a combination would lack, at least, the above combinations of the features of the present invention.

Therefore, Applicants submit that the suggested combination of Franklin with Boykin does not render the presently claimed invention obvious, and thus, respectfully request that the U.S.C. § 103(a) rejection be withdrawn.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection and an indication of the allowability of all the claims pending in the present application in due course.

Moreover, as discussed above, Applicants respectfully submit that independent claims 1,

11, 15, 19 and 27-29 are patentable over the cited prior art, an indication of which is kindly requested. Claims 2, 4, 7 and 10 depend from claim 1, claim 14 depends from claim 11, claim 18 depends from claim 15, claims 20 and 23 depend from claim 19, and are therefore considered patentable at least by virtue of their dependency.

B. Claims 3, 12, 16, 21, and 24-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Franklin in view of Boykin and Nagel (U.S. 7,181,017).

Claim 3 depends from independent claim 1, claim 12 depends from independent claim 11, claim 16 depends from independent claim 15, claims 21 and 24-26 depend from independent claim 19. Applicants respectfully submit that Nagel fails to cure the deficiencies of Franklin and Boykin, as discussed above, with respect to independent claims 1, 11, 15, and 19. Accordingly, Applicants submit that claims 3, 12, 16, 21, and 24-26 are patentable at least by virtue of their dependency.

C. Claims 5 and 6 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Franklin in view of Boykin, Nagel, and Uesaka et al. (U.S. 6,044,157)

Claim 5 and 6 and 8 depend from independent claim 1. Applicants respectfully submit that Nagel and Uesaka fail to cure the deficiencies of Franklin and Boykin, as discussed above, with respect to independent claim 1. Accordingly, Applicants submit that claims 5-6 and 8 are patentable at least by virtue of their dependency.

D. Claims 13 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over



Franklin in view of Boykin, Nagel, and Eberhardt (U.S. 5,832,488)

Claim 13 depends from independent claim 11, and claim 17 depends from independent claim 15. Applicants respectfully submit that Nagel and Eberhardt fail to cure the deficiencies of Franklin and Boykin, as discussed above, with respect to independent claims 11 and 15. Accordingly, Applicants submit that claims 13 and 17 are patentable at least by virtue of their dependency.

## **II. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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